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SILICON VALLEY TELECOM EXCHANGE, LLC

20 SILICON VALLEY TELECOM EXCHANGE,  
LLC, a California corporation,

Case No. 12-CV-00899 HRL

Plaintiffs,

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO FILE  
REPLY BRIEFS IN SUPPORT OF  
VERIO AND NTT AMERICA MOTIONS  
FOR PARTIAL SUMMARY JUDGMENT  
AND CONTINUING HEARING DATE**

23 VERIO INC., a Delaware corporation; NTT  
24 AMERICA, INC., a Delaware corporation; and  
DOES 1 through 25.

Dept: Courtroom 12, 19<sup>th</sup> Floor  
Judge: Hon. Howard R. Lloyd

Date Action Filed: February 23, 2012

## STIPULATION

The parties submit this stipulation and proposed order to extend the time to file reply briefs in support of the motions for partial summary judgment filed by Defendants Verio Inc. (“Verio”) and NTT America, Inc. (“NTTA”) on April 10, 2013, and to continue the hearing date on the motions, currently set for May 14, 2013:

WHEREAS, plaintiff Silicon Valley Telecom Exchange (“SVTX”) filed its Opposition to NTTA’s Motion for Partial Summary Judgment on April 29, 2013;

WHEREAS, SVTX filed its Opposition to Verio's Motion for Partial Summary Judgment on April 30, 2013;

WHEREAS, Verio and NTTA's reply briefs to SVTX's Oppositions would otherwise be due to be filed at midnight on May 1, 2013, approximately 48 hours after SVTX's opposition briefs were filed;

WHEREAS, counsel for SVTX has stipulated to the additional time requested by Defendants to file their reply briefs;

WHEREAS, the parties desire to give the Court the full two weeks to consider the motions;

WHEREAS, the parties understand that the Court has availability on its May 21, 2013 law and motion calendar and are agreeable to a hearing date of May, 21, 2013;

NOW, THEREFORE, and in light of the foregoing, IT IS HEREBY STIPULATED AND AGREED by and between the respective attorneys for Plaintiffs and Defendants, and subject to approval by this Court, as follows:

The deadline for Defendants to file their reply briefs in support of their Motions for Partial Summary Judgment is extended up to and including Monday, May 6, 2013; and

The hearing date on the Motions for Partial Summary Judgment of Verio and NTTA is continued from May 14, 2013 to May 21, 2013.

1 Dated: April 30, 2013

BRYAN WILSON  
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STEFAN S. SZPAJDA  
MORRISON & FOERSTER LLP

4  
5 By: /s/ Kenneth A. Kuwayti  
KENNETH A. KUWAYTI

6 Attorneys for Defendants

7  
8 Dated: April 30, 2013

EDWARD F. CULLEN  
MARC L. PINCKNEY

9  
10 By: /s/ Edward F. Cullen  
EDWARD F. CULLEN

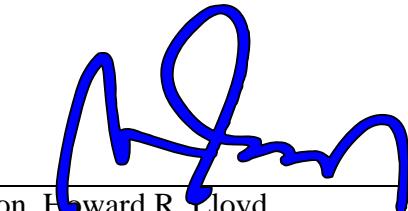
11  
12 Attorneys for Plaintiff

13  
14 **ORDER**

15  
16 IT IS SO ORDERED.

17  
18 Dated: May 1, 2013

By:

  
Hon. Howard R. Lloyd  
U.S. Magistrate Judge